

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

ESTES INNOVATIVE AND WAREHOUSING, A DIVISION OF ESTES EXPRESS LINES, INC.,	)	
	)	
<i>Plaintiff</i>	)	CIVIL ACTION
v.	)	NO. 05-10036 NG
	)	
HOMETEX DESIGN, INC.,	)	
	)	
<i>Defendant</i>	)	

**PLAINTIFF’S REQUEST FOR  
DEFAULT JUDGMENT (RULE 55(b)(1))**

To the Clerk of the United States District Court for the District of Massachusetts:

The plaintiff, Estes Innovative and Warehousing, a Division of Estes Express Lines, Inc. (“Estes”), pursuant to Fed. R. Civ. P. 55(b)(1), requests that the Clerk of this Court enter a default judgment against the defendant, Hometex Design, Inc. (“Hometex”), in the amount of \$14,424.41, plus interest and costs, as requested in Estes’ Complaint filed in this action. In support of this request, plaintiff Estes states as follows:

1. On February 23, 2005, Estes filed a request for notice of default of the of Defendant Hometex pursuant to Fed. R. Civ. P. 55(a) as a consequence of its failure to timely plead or otherwise respond in this action.

2. The claim of Plaintiff Estes is for a sum certain or a sum that, by computation, can be made certain, to wit: monies due Estes for interstate transportation services in accordance with Estes’ duly maintained tariff, all as set forth in the Affidavit of David S. Jones in Support of Plaintiff’s Request for Entry of Default Judgment (“Jones Affidavit”), filed concurrently herewith.

3. Defendant, Hometex, is not a minor or an incompetent person or in the military service of the United States because it is a corporation organized and existing under the laws of the Commonwealth of Massachusetts. *See* Military Affidavit as to Defendant Hometex Design, Inc. filed concurrently herewith.

4. The amount of the judgment to be entered, as indicated in the Jones Affidavit, is justly due and owing, and the costs sought to be taxed have been or will necessarily be incurred in this action.

WHEREFORE, the plaintiff, Estes Innovative and Warehousing, a Division of Estes Express Lines, Inc., prays that the Court enter a default judgment against the defendant, Hometex Design, Inc., pursuant to Fed. R. Civ. P. 55(b)(1), in the sum of \$14,424.41, plus interest and costs as prayed for in the Complaint.

ESTES INOVATIVE AND WAREHOUSING,  
A DIVISION OF ESTES EXPRESS LINES, INC.

By its attorney,

March 1, 2005

/s/ Wesley S. Chused  
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